



Newmarket TOWN COUNCIL

The Memorial Hall, High Street, Newmarket, CB8 8JP

Tel: 01638 667 227. E-mail townclerk@newmarket.gov.uk

NOTICE IS HEREBY GIVEN OF A MEETING OF THE NEWMARKET TOWN COUNCIL

to be held at

Memorial Hall, High Street, Newmarket, CB8 8JP

Monday 25th July at 7.15pm

or following on from the Finance & Policy Committee meeting, whichever is later

Councillors are hereby summoned to attend for the purpose of transacting the business that follows

The meeting is held in public and the public are encouraged to attend and participate. Just occasionally matters such as contractual or staffing matters do have to be held in the confidential part of the meeting.

Members of the public and press may not orally report or comment about a meeting as it takes place if present at a meeting of the Council, but otherwise may:

- a. film, photograph or make an audio recording of the meeting;
- b. use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
- c. Report or comment on the proceedings in writing, during or after a meeting or orally after the meeting.

The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting

AGENDA

1. **Welcome** - The Mayor to read the fire safety notice and announce that this meeting is being recorded and to ask whether anyone else intends to record the meeting
2. **Apologies** for absence
3. **Declaration of interests**
 - a) Councillors are invited to raise any declarations of interest concerning items on the agenda
 - b) To consider any requests for dispensation
4. **Minutes of the previous meeting held 27th June**
 - a) To consider and adopt the minutes, as a true record of the proceedings
 - b) To consider any matters arising
5. **Public participation** – an invitation to members of the public to make representations to Councillors.
Resolutions can only be made on items on the agenda
Rules of public participation: no person may for longer than 3 minutes in total. The maximum time permitted for this item is 15 minutes. This is the only opportunity during the meeting, for members of the public to address Councillors.
6. **Councillor Reports** - to receive and note reports (if any) from County and District Councillors, Ward Reports and outside bodies reports from Town Councillors
7. **Announcements** - To receive the Town Mayor's and Deputy Mayor's Announcements (if any)
8. **Committee Meetings**
 - a) To receive the minutes and consider and approve any recommendations from the Development & Planning meetings held on 20th June 2022 and 4th July 2022
 - b) To receive the minutes and consider and approve any recommendations from the Leisure Services meeting held on 4th July 2022
9. **Suffolk Constabulary** – to receive a report
10. **Weatherby Crossing** - to receive details of the Inquiry outcome
11. **Neighbourhood Plan** – to agree to form a NP working group, approve membership and Terms of Reference
12. **WSC Local Plan** – to receive a report from the Local Plan working group and approve NTC response to the consultation
13. **Correspondence**
14. **Date of the next Meeting – Monday 22nd August 2022**

Signed:  Cathy Whitaker, Town Clerk

Date: 19th July 2022

Distribute to the following for information:

County & District Councillors, The Press, Newmarket Town Council Website

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Newmarket

TOWN COUNCIL

Minutes of the Meeting of Newmarket Town Council held on Monday 27th June 2022 at 6:15pm at the Memorial Hall

Attendance:

Councillor P Winter (Town Mayor)
Councillor J Berry
Councillor J Borda
Councillor J Clover
Councillor J De'Ath
Councillor A Drummond
Councillor D Hall

Councillor J Harvey
Councillor R Hood
Councillor P Hulbert
Councillor J Lay
Councillor M Jefferys
Councillor S Perry
Councillor K Yarrow

Also Present: C Whitaker – Town Clerk, T Symonds – Deputy Town Clerk, J Ashton – Minute Assistant, Cllr Soons – West Suffolk Council, 1 Member of the Press and 2 Members of the Public

Minute

22/06/1 Welcome

The Chairman opened the meeting and confirmed that proceedings were being recorded. A member of the press was also recording the meeting.

22/06/2 Apologies for Absence – LGA 1972, Section 85(1) & (2)

Apologies were received from Cllrs Anderson, Crissall and O'Neill. Cllr Ferries was absent.

22/06/3 Declaration of Members Interests & to Remind Councillors of the Need to Keep up to Date Their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation

None noted. There were no member dispensation requests.

22/06/4 To Receive and Confirm the Minutes of the Town Council Meetings held on 23rd May 2022 and any Matters Arising.

The minutes of the meeting held on 23rd May 2022 were presented and the following was agreed:

22/06/4.01 Resolved

That the minutes of the meeting held on 23rd May 2022 be adopted and signed as a correct record by the Town Mayor.

Cllr Soons joined the meeting
Matters arising:

22/05/20.01 Resolved – The Chairman confirmed that Cllr Drummond is the NTC Representative for Newmarket BID and Cllr O'Neill had confirmed his representation on the Lexington and Maison Laffitte Twinning Associations.

Cllr Berry joined the meeting

22/06/5 Public Open Session

A member of the public requested that the artist for the Lexington project give feedback on their trip to France and suggested their work could be exhibited. The Chairman

confirmed that the artist would be invited to give a presentation to full Council.

A member of the public spoke to item 16 – Town Museum, in relation to the Newmarket Neighbourhood Plan policy 6.

22/06/6

Councillor Reports

Suffolk County Council (SCC) – Cllr Hood reported that the monthly newsletter had been sent out. A question was asked if any of the 200,000 SCC trees had been planted in Newmarket. Cllr Drummond confirmed that WSC had planted a row of trees in George Lambton Avenue for screening.

West Suffolk Council (WSC) – Cllr Soons advised that she had reported issues with caravans parking on Suffolk land, fly tipping and a blocked gate in North Newmarket.

Cllr Drummond apologised on behalf of WSC for accidentally mowing the grass that had wild flowers recently planted as part of a community project at Valley Way. A verbal update was given on the taxi policy project. A fees and charges consultation is being conducted and the licencing fees will be reviewed in July by the Licencing Committee.

The Chairman was equally disappointed that the wild flowers had been mowed in error.

Ward – Cllr Lay reported that £33,000 had been raised for the Hospital Jubilee garden project.

Cllr Yarrow reported that wild flowers had also been planted at the Millbank and Freshfields site which had not been cut down. He also reported that Flagship were selling properties in Freshfields and a maisonette above the shops in Freshfields were currently on the market to be sold by auction. He requested that NTC ask Flagship what their investment is in Newmarket and if new social housing is going to be built going forward.

A report on the Flagship issues will be sent to the F&P Committee for them to consider what action could be taken. In the meantime, a Freedom of Information request could be lodged with Flagship and also with WSC regarding social housing figures.

Cllr Soons left the meeting

Cllr Perry asked when the empty flats in George Lambton Avenue would be occupied. She also asked if the commercial bins at the entrance to Crown Walk could be moved.

The Chairman reported that the issues in Crown Walk had been noted by WSC.

Cllr Hall reported that he had met with the Community Network Tree Warden and that a more holistic approach should be taken when considering the felling of trees. He had observed that cars coming out of the July racecourse exit on race days were often going down Dullingham Road on the wrong side of the road. He reported that the LexArt visit to USA had happened in the current month and a report should be available soon. He noted that businesses near the Memorial Hall were leaving cooking oil outside their premises.

Outside bodies – None noted

22/06/7

Mayors Announcements

The Mayor reported that in addition to attending committee meetings, working groups

and other meetings, her activities included the following:

26th May 2022 – attended the BID Business Awards and dinner.

27th May 2022 – met with John Gilbert at the Racing Centre.

2nd June 2022 – joined the Town Crier on the Bill Tutte Memorial and attended the Tea Dance in the afternoon followed by the lighting of the Jubilee Beacon on the Severals.

3rd June 2022 – attended the entertainment on the Severals.

4th June 2022 – attended the Street Party in Palace Street and handed out the food boxes from NTC and the medals for the children participating in the sports at the NHRM.

12th June 2022 - attended a County Service of Celebration at St Edmunds Cathedral.

21st June 2022 represented NTC at the funeral of Chris Barker.

23rd June 2022 – met with the BID Chairman and Manager along with the Town Clerk. Regular meetings are now being held to aid communications. Items discussed at the meeting included the night-time economy, the BID Umbrella installation, the WSC Shopfront Policy, weeds on the High Street/street cleaning and the Christmas Lights switch on event for 2022.

23rd June 2022 – attended the first Anniversary of Brampton Manor Care Home.

26th June 2022 – attended the Civic Service for the Chair of WSC, Cllr Mike Chester, at St Edmunds Cathedral.

22/06/8

To Receive the Minutes and Consider any Recommendations from the D&P Committee Meetings held on 6th and 20th June 2022

The Chairman of the D&P Committee (Cllr Jefferys) presented the minutes and recommendations from the Development & Planning Committee meeting held on 6th June 2022. There were no recommendations and the minutes were received.

The Chairman of the D&P Committee (Cllr Hood) presented the minutes and recommendations from the Development & Planning Committee meeting held on 20th June 2022.

A discussion was held regarding the election of Cllr Hood as Chairman of the D&P Committee and due process, following advice from SALC. The minutes and recommendations from the Development & Planning Committee meeting held on 20th June 2022 were not received.

The Town Clerk reported that Committee Membership should have been confirmed at the Annual Meeting and that this would be done tonight. Following the approval of the Committee Membership, the Chairmen of all Committees will be elected and confirmed at their next meetings.

22/06/9

To Receive the Minutes and Consider any Recommendations from the Community & Leisure Services Committee Meeting held on 4th April 2022

The Chairman of the Community and Leisure Services Committee presented the minutes

and recommendations of the Community & Leisure Services Committee meeting held on 4th April 2022.

22/06/9.01 Resolved (CL/22/06/1.01 Recommendation)

That Cllr Winter be elected as the Chairman of the Community Services Committee for the municipal year 2022/2023.

22/06/9.02 Resolved (CL/22/06/2.01 Recommendation)

That Cllr Ferries be elected as the Vice Chairman of the Community Services Committee for the municipal year 2022/2023.

22/06/9.03 Resolved (CL/22/06/11.01 Recommendation)

That a Working Party be set up comprising of Cllrs Ferries, Drummond and Hulbert with a remit of looking to resolve the remaining issues on the A142 and to report back to the D&P Committee.

22/06/10 To Receive the Minutes and Consider any Recommendations from the Human Resources Committee Meetings held on 20th June 2022

The Chairman of the Human Resources Committee presented the minutes and recommendations from the Human Resources Committee meetings held on 20th June 2022.

22/06/10.01 Resolved (H/22/06/11.01 Recommendation**)**

That a permanent position be offered to the Admin Assistant following 3 months of successful probation.

22/06/10.02 Resolved (H/22/06/11.02 Recommendation**)**

That the training request for the Admin Assistant to complete an online ILCA course (Introduction to Local Council Administration) for a cost of £120 be approved.

22/06/10.03 Resolved (H/22/06/11.03 Recommendation**)**

That the costs relating to the recruitment of an Assistant Town Keeper and Events Assistant be approved.

22/06/11 Audit

The End of Year Internal Audit report was received and noted. The Internal Audit Report for 2021/2022 was presented and it was noted that there were no matters arising that required any formal comment or recommendation.

22/06/12 Annual Governance and Accountability Return (external audit) 2021/2022

The Annual Governance and Accountability Return were presented and the following was agreed:

22/06/12.01 Resolved

That Section 1 of the Annual Governance Statement for 2021/2022 indicating systems of internal control and arrangements for preparation of the accounting statements be approved and signed.

22/06/12.02 Resolved

That Section 2 Accounting Statements for 2021/2022 be approved and signed.

22/06/13 Financial Statements

The Financial Statements for Newmarket Town Council for 2021/2022 were presented and the following was agreed:

22/06/13.01 Resolved

That the Financial Statements for Newmarket Town Council for 2021/2022 be approved.

Thanks were given to the Clerk for her work on the audit and finances.

22/06/14 CCTV Proposal

A proposal to purchase a new CCTV system was considered and the following was agreed:

22/06/14.01 Resolved

That the quote from Libra Security to supply a new CCTV system for the Memorial Hall, Cemetery and Pavilion for £6,868 and annual maintenance cost of £423 be approved.

22/06/15 Tree Safety

Three quotes to carry out a tree inspection and subsequent safety work were considered and the following was agreed:

22/06/15.01 Resolved

That the quote from TM Tree Solutions to carry out the tree safety work for £3,290 be approved.

22/06/16 Committee Membership

The choices of Committee Membership were confirmed as:

Development & Planning

Cllr Berry	Cllr Harvey
Cllr Clover	Cllr Hood
Cllr Drummond	Cllr Hulbert
Cllr Ferries	Cllr Jefferys
Cllr Hall	Cllr Lay

Community Services

Cllr Borda	Cllr Hood
Cllr De'Ath	Cllr Hulbert
Cllr Drummond	Cllr Jefferys
Cllr Ferries	Cllr Lay
Cllr Hall	Cllr Winter
Cllr Harvey	Cllr Yarrow

Leisure Services

Cllr Anderson	Cllr Harvey
Cllr Borda	Cllr Hood
Cllr Crissall	Cllr Hulbert
Cllr De'Ath	Cllr Jefferys
Cllr Drummond	Cllr Lay
Cllr Ferries	Cllr Perry

Cllr Hall	Cllr Winter Cllr Yarrow
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Finance & Policy

Cllr Borda	Cllr Hood
Cllr Drummond	Cllr Hulbert
Cllr Ferries	Cllr Jefferys
Cllr Hall	Cllr Lay
Cllr Harvey	Cllr Perry
	Cllr Yarrow

Human Resources

Cllr Drummond	Cllr Hulbert
Cllr Hall	Cllr Jefferys
Cllr Harvey	Cllr Lay
Cllr Hood	Cllr Winter
	Cllr Yarrow

Performance & Audit

Cllr Drummond	Cllr Jefferys
Cllr Hall	Cllr Lay
Cllr Harvey	Cllr Perry
Cllr Hood	Cllr Winter
Cllr Hulbert	Cllr Yarrow

22/06/16.01 Resolved

That the Committee Membership for Newmarket Town Council's Committees be approved.

22/06/17 Newmarket Market

A report from the Newmarket Market Working Group was presented and the following options were noted:

Plan A Long-term: To return the market to the High Street in a way which would address the safety issues. This would likely involve the installation of a permanent structure along one side of the High Street - WSC to source all costings for investigation into funding sources for Plan A.

Plan B Interim: To improve the market in situation on Market Square with an enhancement programme to the current standard market stalls; the provision of a 'rolling theme' programme (Farmers, Craft, Eco, Cultural) of additional market stalls, added entertainment in August to improve atmosphere, improvement of signage from car parks, additional publicity and promotion, etc. - NTC to support the enhancement of the market in its current location in whatever way it is able to and in liaison with WSC.

The WSC Markets Review Working Group – Recommendations Report was noted.

22/06/18 Museum

A report on leasing Palace Street Coach House for the Town Museum was considered and the following was agreed:

22/06/18.01 Resolved

That NTC declines to put in an offer for the lease of the Coach House, as being currently marketed, at this time.

22/03/18.02 Resolved

That the report from the Coach House Working Group be received and that the Museum Working Group continue to work on this project.

22/06/18.03 Resolved

To pursue research into alternative options for the siting of a Local History Museum in the future. To make contact with other Local History Museums (e.g. Mildenhall, Bury St Edmunds, Burwell, Haverhill). To look into a Summer Season of “Pop-Up” exhibitions in vacant shops on the High Street. To work with the NLHS on other initiatives on the High Street: e.g. History Trail / Local History vinyls for empty shop fronts, etc.

22/06/18.04 Resolved

That grant funding possibilities are investigated and to look into charitable status application in readiness for potential future opportunities and to prepare an onward business case and budget longer term for a museum facility.

22/06/19 Suffolk Constabulary

The monthly PCSO report was received and noted.

22/06/20 Correspondence

West Suffolk Citizen’s Advice May Newsletter – was noted

UK Shared Prosperity Fund Survey – the responses to the survey will be considered by F&P Committee.

Cricket Club – a meeting to be arranged asap regarding a recent breach of the licence agreement.

22/06/21 Date of the next Meeting

Monday 25th July 2022 in the Memorial Hall

Meeting closed at 7:30pm

Signed: _____

Date: _____

Summary of Resolutions

Resolution	Resolution Wording
<u>22/06/9.01 Resolved (C/22/06/6.01 Recommendation)</u>	That Cllr Winter be elected as the Chairman of the Community Services Committee for the municipal year 2022/2023.
<u>22/06/9.02 Resolved (C/22/06.02</u>	That Cllr Ferries be elected as the Vice Chairman of the

Book Number 28 2022 -2023

Minutes of the meeting of Newmarket Town Council held on Monday 27th June 2022

<u>Recommendation)</u>	Community Services Committee for the municipal year 2022/2023.
<u>22/06/9.03 Resolved (C/22/06/11.01 Recommendation)</u>	That a Working Party be set up comprising of Cllrs Ferries, Drummond and Hulbert with a remit of looking to resolve the remaining issues on the A142 and to report back to the D&P Committee.
<u>22/06/10.01 Resolved</u> <u>***H/22/06/11.01 Recommendation***)</u>	That a permanent position be offered to the Admin Assistant following 3 months of successful probation.
<u>22/06/10.01 Resolved</u> <u>***H/22/06/11.02 Recommendation***)</u>	That the training request for the Admin Assistant to complete an online ILCA course (Introduction to Local Council Administration) for a cost of £120 be approved.
<u>22/06/10.01 Resolved</u> <u>***H/22/06/11.03 Recommendation***)</u>	That the costs relating to the recruitment of an Assistant Town Keeper and Events Assistant be approved.
<u>22/06/12.01 Resolved</u>	That Section 1 of the Annual Governance Statement for 2021/2022 indicating systems of internal control and arrangements for preparation of the accounting statements be approved and signed.
<u>22/06/12.02 Resolved</u>	That Section 2 Accounting Statements for 2021/2022 be approved and signed.
<u>22/06/13.01 Resolved</u>	That the Financial Statements for Newmarket Town Council for 2021/2022 be approved.
<u>22/06/14.01 Resolved</u>	That the quote from Libra Security to supply a new CCTV system for the Memorial Hall, Cemetery and Pavilion for £6868 and annual maintenance cost of £423 be approved.
<u>22/06/15.01 Resolved</u>	That the quote from TM Tree Solutions to carry out the tree safety work for £3290 be approved.
<u>22/06/16.01 Resolved</u>	That the Committee Membership for Newmarket Town Council's Committees be approved.
<u>22/06/18.01 Resolved</u>	That NTC declines to put in an offer for the lease of the Coach House, as being currently marketed, at this time.
<u>22/06/18.02 Resolved</u>	That the report from the Coach House Working Group be received and that the Museum Working Group continue to work on this project.
<u>22/06/18.03 Resolved</u>	To pursue research into alternative options for the siting of a Local History Museum in the future. To make contact with other Local History Museums (e.g. Mildenhall, Bury St Edmunds, Burwell, Haverhill). To look into a Summer Season of "Pop-Up" exhibitions in vacant shops on the High Street. To work with the NLHS on other initiatives on the High Street: e.g. History Trail / Local History vinyl's for empty shop fronts, etc.
<u>22/06/18.04 Resolved</u>	That grant funding possibilities are investigated and to look into charitable status application in readiness for potential future opportunities and to prepare an onward business case and budget longer term for a museum facility.



Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Development & Planning Committee **Held on Monday 4th July 2022 at 6.15pm**

Attendance:

Councillor J Lay (Chairman)
 Councillor J Clover
 Councillor A Drummond
 Councillor J Ferries

Councillor M Jefferys
 Councillor J Harvey
 Councillor R Hood
 Councillor P Hulbert

Also Present: C Whitaker – Town Clerk, T Symonds – Deputy Town Clerk, J Ashton – Minute Assistant, Cllr Winter as an observer, 1 Member of the Press and 1 Member of the Public.

Minute

Cllr Jefferys opened the meeting as the Vice Chairman of the previous Committee.

D/22/07/1 To Elect a Chairman

Cllr Hood nominated Cllr Lay. There were no other nominations and a vote was taken. The following was agreed:

D/22/07/1.01 Resolved

That Cllr Lay be elected as the Chairman of the D&P Committee for the municipal year 2022/2023.

D/22/07/2 To Elect a Vice Chairman

Cllr Drummond nominated Cllr Hood. There were no other nominations and a vote was taken. The following was agreed:

D/22/07/2.01 Resolved

That Cllr Hood be elected as the Vice Chairman of the D&P Committee for the municipal year 2022/2023.

D/22/07/3 Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded

The Chairman opened the meeting and read out the Fire Notice and that the meeting may be filmed or recorded.

D/22/07/4 Apologies

Apologies were received from Cllrs Berry and Hall.

D/22/07/5 Declaration of Members Interests & to Remind Councillors of the need to keep up to date their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation

Cllr Hood declared a pecuniary interest in applications DC/22/1048/TCA and DC/22/1110/TCA. Cllr Clover declared a pecuniary interest in item 10 application DC/22/0106/VAR. There were no requests for dispensations.

D/22/07/6 To Confirm the Minutes of the Meeting Held on 20th June 2022 and any Matters Arising

Book Number 33 2022 - 2023

Minutes of Development & Planning Committee held on Monday 4th July 2022

Members received the minutes of the Development & Planning Committee held on 20th June 2022 and the following was agreed:

D/22/07/6.01 Resolved

That the minutes of the Development & Planning Committee held on 20th June 2022 be adopted and signed as a true record by the Chairman of the Development & Planning Committee.

Matters arising.

D/22/06/1.01 Resolved - Election of a Chairman – the minutes were not adopted at Full Council and will be amended to reflect this.

D/22/06/2.01 Resolved - Election of a Vice Chairman – the minutes were not adopted at Full Council and will be amended to reflect this.

D/22/06/35.01 Resolved – WSC Local Plan Consultation Working Group – Members would be invited to join the Working Group in item 18.

D/22/07/7 Public Open Session

No members of the public wished to speak.

D/22/07/8 Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered

The following policies applied Policy 14 – trees and Policy 30 - shopfronts

D/22/07/9 Planning Applications

Week Commencing 06/06/2022 and 13/06/2022 and 20/06/2022

D/22/07/9/1 DC/22/1035/TPO – TPO (1987) 04 - Tree Preservation Order - one False Acacia (T1 on plan, within A1 on order) – fell - Wolverton Lodge High Street Newmarket Suffolk.

D/20/07/9.01 Resolved

The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration. If the tree is to be felled, that it be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.

D/22/07/9/2 DC/22/1021/HH - Householder planning application - single storey rear extension - Falmouth House Falmouth A venue Newmarket Suffolk.

D/22/07/9.02 Resolved

The Committee voiced no objections.

D/22/07/9/3 DC/22//1080/CLP - Application for lawful development certificate for proposed use or development – lawful implementation of planning permission DC/17/2674/FUL - 122 High Street Newmarket Suffolk.

D/22/07/9.03 Resolved

The Committee voiced no comments.

D/22/07/9/4 DCON(C)/20/0264 - Application to part discharge condition 22 (contaminated land) of application DC/20/0624/FUL - 143A All Saints Road Newmarket Suffolk.

D/22/07/9.04 Resolved

The Committee voiced no comments.

A member of the public joined the meeting.

Cllr Hood declared a pecuniary interest in the following application and left the meeting

D/22/07/9/5 DC/22/1048/TCA - Trees in a conservation area notification – four conifers and two Ash (indicated on plan) fell Chels 51A Bury Road Newmarket Suffolk.

D/20/07/9.05 Resolved

The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration. If the trees are to be felled, that they be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.

Cllr Hood returned to the meeting

D/22/07/9/6 DC/22/1019/HH - Householder planning application - two storey side extension (following removal of lobby/store) - 8 Exning Road Newmarket Suffolk.

D/22/07/9.06 Resolved

The Committee voiced no objections.

D/22/07/9/7 DC/22/1001/FUL - Planning application - install 14 upvc windows into existing box sash frames and replace one crittal window - 5-7 The Avenue Newmarket Suffolk.

D/22/07/9.07 Resolved

The Committee voiced no objections.

D/22/07/9/8 DC/22/0940/FUL - Planning application - removal of existing external ATM and signage - 53 High Street Newmarket Suffolk.

D/22/07/9.08 Resolved

The Committee voiced no objections.

D/22/07/9/9 DC/22/1047/TE1 - Determination in respect of Development by Telecommunications Code systems operators – 15 metre monopole tower to support antenna, associated radio-equipment housing and ancillary development - Monopole Tower Rowley Drive Newmarket Suffolk.

D/22/07/9.09 Resolved

Newmarket Town Council strongly objects to the proposed placement of the

telecommunications apparatus on Rowley Drive, Newmarket, for the following reasons:-

1. Significant damage to the street scene.
2. Encroachment onto the pavement.
3. Appearance of the apparatus.
4. Close proximity to local schools.
5. It is in the middle of a green corridor.

Whilst the Town Council supports the improvement of communications throughout the town, it insists that further thought is put into positioning the apparatus in a less conspicuous area where it would have a less detrimental effect on the surrounding environment.

Council believes that there are other alternatives for the positioning of such apparatus, such as on the top of tall buildings.”

Cllr Hood declared a pecuniary interest in the following application and left the meeting

D/22/07/9/10 DC/22/1110/TCA - Trees in a conservation area notification - one Horse Chestnut (T2 on plan) re-pollard to previous cutting points; one Horse Chestnut (T1 on plan) fell - Clarehaven Stable 57 Bury Road Newmarket Suffolk.

D/22/07/9.10 Resolved

The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration. If the tree is to be felled, that it be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted

Cllr Hood returned to the meeting

D/22/07/9/11 DCON(F)/13/0408 - Application to discharge conditions 16 (A14 slip road) and 25 (Rayes Lane/Fordham Road horse crossing) of application DC/13/0408/OUT - Hatchfield Farm Fordham Road Newmarket Suffolk.

D/22/07/9.11 Resolved

The Committee voiced no comments.

D/22/07/9/12 DCON(A)/21/1074 - Application to discharge conditions 4 (dust management plan) 11 (biodiversity enhancements) 13 (boundary treatments) 14 (materials) of DC/21/1074/FUL - 28 St Fabians Close Newmarket Suffolk.

D/22/07/9.12 Resolved

The Committee voiced no comments.

Cllr Clover declared a pecuniary interest in the following application and left the meeting.

D/22/07/10 Amended and Deferred Planning Applications

D/22/07/10/1 DC/22/0106/VAR - Planning application - variation of condition (2) of DC/16/1131/FUL to enable use of amended drawings for the a. two buildings to include 11 apartments and one Office unit (following demolition of existing building) b. Freestanding bicycle/bin store - Southernwood Fordham Road Newmarket Suffolk.

D/22/07/10.01 Resolved

The Committee voiced no objections however, concerns were raised regarding the number of piecemeal amendments to this development.

Cllr Clover returned to the meeting

Cllr Crissall joined the meeting as an observer

D/22/07/11 Planning Appeals

None noted.

D/22/07/12 East Cambs Planning Applications

None noted.

D/22/07/13 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during weeks commencing, 13/06/2022 and 20/06/2022

Applications	Description	Address	WS Decision	NTC Decision
DC/22/0844/TCA	Trees in a conservation area notification - eight conifers (T1 on plan) fell	Annexe Southernwood Fordham Road Newmarket Suffolk	Approved	No objections
DC/22/0815/TCA	Trees in a conservation area notification - one Blue Atlas (T1 on plan) selective crown reduction by up to two metres of lateral branches and removal of damaged limb in lower crown.	The Gables 20 Bury Road Newmarket Suffolk	Approved	No objections
DC/22/0510/TPO	TPO 03 (1990) tree preservation order - one Lime (T2 on plan in area G2 on order) crown raise to 5.5 metres above ground level over driveway of 36 Leaders Way; one Lime (T3 on plan in area G2 on order) crown raise to 5.5 metres above ground level to the south-east. Prune secondary branch structures to provide 3 metres clearance from roofline of 36 Leaders Way	36 Leaders Way Newmarket Suffolk	Approved	No objections
DC/22/0497/TPO	T1 Pinus sp. Fell. T2 Beech. Crown raise to 4.5 metres above ground level, pruning secondary branch structures only. T4 Beech. Crown raise to 4.5 metres above ground level, pruning secondary branch structures only.	112 Churchill Avenue Newmarket Suffolk	Approved	No objections
DCON (D)/21/0055	Application to discharge condition 11 (Travel Pack) of DC/21/0055/VAR	Proposed Building Site Cemetery Hill Newmarket Suffolk	Approved	No comments
DC/22/0639/FUL	Planning application - conversion of existing annexe and nursery into two residential units	Louisville Fordham Road Newmarket Suffolk	Approved	No objections

D/22/07/14 Delegation Panel Decisions

None noted.

D/22/07/15 Tree Preservation Orders

TPO/005(2022) - Paget Place and Wyndham Way, Newmarket, Suffolk – was noted.

Cllr De'Ath joined the meeting as an observer.

D/22/07/16 Licensing

PL015 - Application to Vary a Premises Licence – application to vary the layout and design of the premises in accordance with the submitted plan, drawing number 2281/01. The changes are to include a new extension, which includes a new dispense bar, adjacent to the external courtyard dispense bar within the licensable area of the premises. Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed. Locations of fire safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment. Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change. The operating hours, licensable activities and current conditions authorised by the premises licence are to remain unaltered - The Shoes Moulton Road Newmarket.

This item was deferred and TC was requested to obtain the drawings for this application.

WSC Statement of Licensing Policy – was noted. Cllr Drummond advised that he was consulting on this and would welcome any comments.

Cllr Yarrow and the Events manager joined the meeting as observers.

D/22/07/17 Resident's Parking Zone – All Saints Ward

A report from WSC following a meeting with NTC on 9th June 2022 was considered and the following was agreed:

D/22/06/17.01 Recommendation

That subject to the recommended clarifications in point 2, to proceed on the RPZ scheme for All Saint's Ward with WSC; agreeing to the underwriting of the scheme by NTC should it not proceed.

D/22/06/17.02 Recommendation

That a budget line be created in 2023/2024 budget for RPZ underwriting fees and to top up that account at the end of the current year budget.

D/22/07/18 West Suffolk Council Local Plan

Members were invited to join the Working Group and the following was agreed:

D/22/07/18.01 Resolved

That a Working Group be set up comprising of Cllrs Drummond, Hood, Hulbert, Jefferys and Lay to provide a response to the consultation.

D/22/07/19 Correspondence

None noted.

D/22/07/20 Date of Next Meeting

Monday 18th July 2022 at 6.15pm.

Meeting closed at 7:10pm.

Signed _____ Date _____

Summary of Resolutions/Recommendations

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/22/07/1.01 Resolved</u>	That Cllr Lay be elected as the Chairman of the D&P Committee for the municipal year 2022/2023.
<u>D/22/07/2.01 Resolved</u>	That Cllr Hood be elected as the Vice Chairman of the D&P Committee for the municipal year 2022/2023.
<u>D/22/07/9.01 Resolved</u>	The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration. If the tree is to be felled, that it be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.
<u>D/22/07/9.02 Resolved</u>	The Committee voiced no comments.
<u>D/22/07/9.03 Resolved</u>	The Committee voiced no comments.
<u>D/22/07/9.04 Resolved</u>	The Committee voiced no comments.
<u>D/22/07/9.05 Resolved</u>	The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee objected to this application and requested that the application be submitted to the Tree Officer for consideration. If the trees are to be felled, that they be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.
<u>D/22/07/9.06 Resolved</u>	The Committee voiced no objections.
<u>D/22/07/9.07 Resolved</u>	The Committee voiced no objections.
<u>D/22/07/9.08 Resolved</u>	The Committee voiced no objections.
<u>D/22/07/9.09 Resolved</u>	The Committee objected on the original grounds sent in a letter in response to the consultation and strongly object to location, in the middle of a green corridor. The Committee request that a more suitable location be considered
<u>D/22/07/9.10 Resolved</u>	The Committee actively encourages responsible tree management and objects to the felling of healthy trees. The Committee objected to this application and requested that

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	the application be submitted to the Tree Officer for consideration. If the tree is to be felled, that it be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted
<u>D/22/07/9.11 Resolved</u>	The Committee voiced no comments.
<u>D/22/07/9.12 Resolved</u>	The Committee voiced no comments.
<u>D/22/07/10.01 Resolved</u>	The Committee voiced no objections however, concerns were raised regarding the number of piecemeal amendments to this development.
<u>D/22/07/17.01 Resolved</u>	That subject to the recommended clarifications in point 2, to proceed on the RPZ scheme for All Saint's Ward with WSC; agreeing to the underwriting of the scheme by NTC should it not proceed.
<u>D/22/07/17.02 Resolved</u>	That a budget line be created in 2023/2024 budget for RPZ underwriting fees and to top up that account at the end of the current year budget.
<u>D/22/07/18.01 Resolved</u>	That a Working Group be set up comprising of Cllrs Drummond, Hood, Hulbert, Jefferys and Lay to provide a response to the consultation.



Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Development & Planning Committee Held on Monday 20th June 2022 at 6.15pm

Attendance:

Councillor R Hood (Chairman)
Councillor J Ferries

Councillor D Hall
Councillor P Hulbert

Also Present: C Whitaker – Town Clerk, T Symonds – Deputy Town Clerk, J Ashton – Minute Assistant, Cllr Winter as an observer, and 1 Member of the Press.

Minute

D/22/06/19 To Reaffirm the Election of a Chairman

Cllr Hulbert nominated Cllr Hood. There were no other nominations and a vote was taken. The following was agreed:

D/22/06/19.01 Resolved

That Cllr Hood be elected as the Chairman of the D&P Committee for the municipal year 2022/2023. This was not adopted at Full Town Council 27/06/2022. Minutes to be represented on 25/07/2022.

D/22/06/20 To Reaffirm the Election of a Vice Chairman

Councillor Hood nominated Cllr Ferries There were no other nominations and a vote was taken. The following was agreed:

D/22/06/20.01 Resolved

That Cllr Ferries be elected as the Vice Chairman of the D&P Committee for the municipal year 2022/2023. This was not adopted at Full Town Council 27/06/2022. Minutes to be represented on 25/07/2022.

D/22/06/21 Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded

The Chairman opened the meeting and read out the Fire Notice and that the meeting may be filmed or recorded.

D/22/06/22 Apologies

Apologies were received from Cllrs Berry, Clover, Drummond, Harvey, Jefferys and Lay. It was noted that all apologies should be sent to the Town Clerk.

D/22/06/23 Declaration of Members Interests & to Remind Councillors of the need to keep up to date their Register of Member's Interests and to Consider any Requests Received for Member's Dispensation

Cllr Hood declared a non-pecuniary interest in correspondence – WSC Local Plan and planning applications, DC/22/0872/FUL, DC/22/1033/TCA and DC/221032/TCA. There were no requests for dispensations.

D/22/06/24 To Confirm the Minutes of the Meeting Held on 6th June 2022 and any Matters Arising

Members received the minutes of the Development & Planning Committee held on 6th June 2022 and the following was agreed:

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D/22/06/24.01 Resolved

That the minutes of the Development & Planning Committee held on 6th June 2022 be adopted and signed as a true record by the Chairman of the Development & Planning Committee.

There were no matters arising.

D/22/06/25 Public Open Session

No members of the public wished to speak.

D/22/06/26 Impact of Newmarket Neighbourhood Plan Policies on Applications Being Considered

The following policies applied: Policy 14 – trees, Policy 2 – Key Views and Policy 1 – Buildings in a Conservation Area.

D/22/06/27 Planning Applications

Week Commencing 30/05/2022 and 06/06/2022

D/22/06/27/1 DC/22/0932/HH - Householder planning application - a. two storey rear extension b. single storey rear extension - Esher Cottage 37 King Edward VII Road Newmarket Suffolk.

D/22/06/27.01 Resolved

The Committee voiced no objections.

Cllr Hood declared a non-pecuniary interest in the following application and did not vote.

D/22/06/27/2 DC/22/0872/FUL - Planning application - temporary siting of classroom block for five years - Fairstead House School Fordham Road Newmarket Suffolk.

D/22/06/27.02 Resolved

The Committee voiced no objections and supported the cladding proposal and subject to the Jockey Club's comments being taken into account.

Cllr Hood declared a non-pecuniary interest in the following application and did not vote.

D/22/06/27/3 DC/22/1033/TCA - Trees in a conservation area notification - one Lime (T1 on plan) crown lift by five metres above ground level - Scout Hq Cardigan Street Newmarket Suffolk.

D/22/06/27.03 Resolved

The Committee actively encourages responsible tree management and does not object to this application.

Cllr Hood declared a non-pecuniary interest in the following application and did not vote.

D/22/06/27/4 DC/22/1032/TCA - Trees in a conservation area notification - group of 10 Hawthorn trees (G1 on plan) – fell - Land Adjacent To The Severals Bury Road Newmarket Suffolk.

D/22/06/27.04 Resolved

The Committee actively encourages responsible tree management and does not object to this application.

D/22/06/27/5 DC/22/0945/TCA - Trees in a conservation area notification – 22 Lombardy Poplar (T1-9, 11-15, 27-36 on plan) fell; one Plum (T10 on plan) fell; one Willow (T40 on plan) reduce crown by three metres; one Alder (T90 on plan) reduce branches clear of building by 1.5 metres; one Alder (T155 on plan) fell; one Beech (T246 on plan) reduce overhanging limbs by 50 per cent; one Beech (T248 on plan) fell; one Beech (T251 on plan) crown reduction by 30 per cent and reduce two lateral branches by 40 per cent; one Sycamore (T281 on plan) reduce extended limb over building by three metres; one Horse Chestnut (T381 on plan) fell - Tattersalls The Avenue Newmarket Suffolk.

D/22/06/27.05 Resolved

The Committee actively encourages responsible tree management and object to the felling of healthy trees. The Committee requested that the application be submitted to the Tree Officer for consideration. If the trees are to be felled, that they be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted.

D/22/06/28 Amended and Deferred Planning Applications

None noted.

D/22/06/29 Planning Appeals

None noted.

D/22/06/30 East Cambs Planning Applications

None noted.

D/22/06/31 To Receive Results of Applications as Determined by West Suffolk and Plans Withdrawn

West Suffolk Planning Determinations received during weeks commencing, 30/05/2022 & 06/06/2022

Applications	Description	Address	WS Decision	NTC Decision
DC/19/2064/FUL	Application to discharge condition three (arboricultural method statement) of DC/19/2064/FUL	Solario Tattersalls The Avenue Newmarket Suffolk	Approved	No objections
DC/21/2377/TPO	TPO/1972/234 - Tree preservation order - one Beech (as indicated on plan, A2 on order) pole thinning of the regrowth stems by 30%	75 Weston Way Newmarket	Approved	No objections

D/22/06/32 Delegation Panel Decisions

None noted.

D/22/06/33 Licensing

5 All Saint's Road – the licence application was considered and the following was agreed:

D/22/06/33.01 Resolved

That the following comments be submitted to WSC Licencing:

- **That a licenced premises is not suitable for a residential Conservation area, opposite a Church.**

- The Committee were sympathetic to the concerns of residents on the effect on neighbours from late night noise.
- That the residents' views be considered.
- Concerns that the entertainment sector is being extended beyond the High Street into residential areas.

WSC Regulatory Environment – The Revised Statement of Licensing consultation (21/6/22 – 2/8/22) was noted.

D/22/06/34 Sunnica

The additional consultation details were noted and the following was agreed:

D/22/06/34.01 Recommendation

That NTC continues to support the “Say no to Sunnica” Action group.

D/22/06/35 Correspondence

A Boards - Town Clerk to seek clarification on what is required and to consult with Newmarket BID.

Cllr Hood declared a non-pecuniary interest in the following application and did not vote.

WSC Local Plan Consultation – was considered and the following was agreed:

D/22/06/35.01 Resolved

That a Working Group be set up to formulate a response to the consultation and that invitations to join the Working Group be sent to all committee Members.

D/22/06/36 Date of Next Meeting

Monday 4th July 2022 at 6.15pm at the Memorial Hall.

Meeting closed at 7:05pm.

Signed by the Chairman Date 6th July 2022

Summary of Resolutions/Recommendations

Resolution/Recommendation	Resolution/Recommendation Wording
<u>D/22/06/19.01 Resolved</u>	That Cllr Hood be elected as the Chairman of the D&P Committee for the municipal year 2022/2023.
<u>D/22/06/20.01 Resolved</u>	That Cllr Ferries be elected as the Chairman of the D&P Committee for the municipal year 2022/2023.
<u>D/22/05/22.01 Resolved</u>	The Committee voiced no objections.
<u>D/22/06/27.02 Resolved</u>	The Committee voiced no objections and supported the cladding proposal and subject to the Jockey Club's

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	comments being taken into account.
<u>D/22/06/27.03 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application.
<u>D/22/06/27.04 Resolved</u>	The Committee actively encourages responsible tree management and does not object to this application.
<u>D/22/06/27.05 Resolved</u>	The Committee actively encourages responsible tree management and object to the felling of healthy trees. The Committee requested that the application be submitted to the Tree Officer for consideration. If the trees are to be felled, that they be felled outside of the bird nesting season and the Committee requests that suitable replacements be planted
<u>D/22/06/33.01 Resolved</u>	That the following comments be submitted to WSC Licencing: • That a licenced premises is not suitable for a residential Conservation area, opposite a Church. • The Committee were sympathetic to the concerns of residents on the effect on neighbours from late night noise. • That the residents' views be considered. • Concerns that the entertainment sector is being extended beyond the High Street into residential areas.
<u>D/22/06/34.01 Recommendation</u>	That NTC continues to support the "Say not to Sunnica" Action group.
<u>D/22/06/35.01 Resolved</u>	That a Working Group be set up to formulate a response to the consultation and that invitations to join the Working Group to be sent to Members.



Newmarket

TOWN COUNCIL

Minutes of a Meeting of the Leisure Services Committee **Held on Monday 4th July 2022 at 7:14 pm**

Attendance:

Councillor J Ferries (Chairman)
 Councillor J Borda
 Councillor L Crissall
 Councillor J De'Ath
 Councillor A Drummond
 Councillor J Harvey

Councillor R Hood
 Councillor P Hulbert
 Councillor M Jefferys
 Councillor J Lay
 Councillor P Winter
 Councillor K Yarrow

Also Present: C Whitaker – Town Clerk, T Symonds – Deputy Town Clerk, C Argyroudi – Events Manager, J Ashton – Minute Assistant, 2 Members of the Public and 1 Member of the Press.

Minute

Cllr Winter opened meeting as the previous Chairman of the Committee and invited nominations for a Chairman.

L/22/07/1 To Elect a Chairman

Cllr Drummond nominated Cllr Ferries. There were no other nominations and a vote was taken. The following was agreed:

L/22/07/1.01 Resolved

That Cllr Ferries be elected as the Chairman of the Leisure Services Committee for the municipal year 2022/2023.

Cllr Ferries took the chair and invited nominations for a Vice Chairman.

L/22/07/2 To Elect a Vice Chairman

Cllr Ferries nominated Cllr Winter. There were no other nominations and a vote was taken. The following was agreed:

L/22/07/2.01 Resolved

That Cllr Winter be elected as the Vice Chairman of the Leisure Services Committee for the municipal year 2022/2023.

L/22/07/3 Chairman to Read the Fire Safety Notice and Announce that Proceedings May be Filmed or Recorded

The Chairman opened the meeting, read out the fire safety briefing and announced that no fire alarm was planned and that the meeting may be filmed or recorded.

L/22/07/4 Apologies for Absence

Apologies were received from Cllrs Hall and Perry. Cllr Anderson was absent.

L/22/07/5 Declaration of Member's Interests and to Remind Councillors of the Need to Keep up to Date Their Register of Member's Interests and to Consider Any Requests Received for Members Dispensation

Cllr Yarrow declared an interest in item 12b and Cllr Borda declared a tentative

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interest in item 11a. There were no requests for dispensations.

L/22/07/6 Public Open Session

No members of the public wished to speak.

L/22/07/7 To Receive the Accounts

The draft accounts for June 2022 were received and noted.

L/22/07/8 Memorial Gardens

The WSC Memorial Gardens safety report was received and noted.

L/22/07/9 Cricket Club

A report on a Councillors meeting held regarding breaches of the licencing agreement was considered and a letter of apology has since been received from the cricket club. An updated risk assessment for the site has been requested to be received by 18th July 2022. An additional alarm will be fitted to the storage area and costs are awaited.

Cllr Ferries agreed to join the Cricket Club liaison working group.

L/22/07/10 Speed Indicator Device Data

The latest SID data was received and noted. A request was made to move the SID on Bury Rd to the opposite side. The number of speeding incidents and high speeds were noted and the data will be sent to the PCSO. The data will also be sent to SCC with a request for an ANP camera.

L/22/07/11 Events

Soapbox Derby – Allocating charitable funding from the Soapbox Derby income was considered and the following was agreed:

L/22/07/11.01 Recommendation

That the nominated Charities be allocated charitable funding from the Soapbox Derby income from public donations and carpark fees.

The Charities to receive funding from the Soapbox Derby income were considered and the following was agreed:

L/22/07/11.02 Recommendation

That Newmarket Day Centre and a charity representing the Ukraine cause be the nominated Charities to receive funding from the Soapbox Derby income. That delegated powers be given to the Chairman and Town Clerk to nominate a Ukraine charity.

Summer Entertainment – A report on the Summer Entertainment programme with costs was noted.

L/22/07/12 Newmarket Venues

Bookings - The Events Manager presented a report on the bookings for June, noting that £3,895 income was received in June 2022; £8,473 Year-To-Date. Bookings for July include 1x Sport Pavilion weekly meeting £54+vat 1x Sport Pavilion daily

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meetings £1,680 + vat 1 x Outdoor weekly exercise class £64 + vat 1x Sport Pavilion event (Christening) £100 + vat 1x Main Hall meeting £58 + vat 2x Blood donations £680 + vat 1 x Charity event £30 +vat 1x Dance Event £120 + vat.

Cllr Yarrow declared a non-pecuniary interest in the following item.

Newmarket Community Arts – a request to use the Pavilion was considered and further negotiations will be held regarding charges.

L/22/07/13 **Correspondence**
None noted

L/22/07/14 **Date of Next Meeting**
Monday 5th September 2022 at the Memorial Hall.

Meeting closed at 7:42pm.

Signed _____ Date _____

Summary of Recommendations

Recommendation	Recommendation Wording
<u>L/22/07/1.01 Resolved</u>	That Cllr Ferries be elected as the Chairman of the Leisure Services Committee for the municipal year 2022/2023
<u>L/22/07/2.01 Resolved</u>	That Cllr Winter be elected as the Vice Chairman of the Leisure Services Committee for the municipal year 2022/2023.
<u>L/22/07/11.01 Recommendation</u>	That the nominated Charities be allocated charitable funding from the Soapbox Derby income from public donations and carpark fees.
<u>L/22/07/11.02 Recommendation</u>	That Newmarket Day Centre and a charity representing the Ukraine cause be the nominated Charities to receive funding from the Soapbox Derby income. That delegated powers be given to the Chairman and Town Clerk to nominate a Ukraine charity.



**SUFFOLK
CONSTABULARY**

Welcome to my latest partnership funded PCSO report.



Included below are just some of the activities undertaken by myself This is in addition to actively supporting the police with taskings which relate to incidents reported in Newmarket. This would typically involve the request and or collection of CCTV The submission of Intelligence reports (11 this month) as well as engaging with victims or witnesses of crime to offer Support, Advice, and updates.

- **Neighbourhood Priority's (Newmarket)**

Patrols to be focussed around the following locations, Newmarket Train Station, Icewell Hill, George Lambton Avenue and Bill Rickaby Drive.

Stop Searches to be conducted where suitable and intelligence to be submitted on sightings and interactions.

Awareness to be given to persons/vehicles seeking to or having broken into sheds/outbuildings. Power Tools and Pedal Cycles are the items of interest.

- **Platinum jubilee**

Newmarket put on a splendid show over the four-day Platinum Jubilee Bank Holiday. Beginning on Thursday 2nd June with the Town Crier followed by a Tea Dance at Memorial Hall and culminating in the lighting of the Beacon on Severals. 3rd June saw a very impressive parade followed by live entertainment on Severals Field.

Following a break on Saturday the weekend concluded with the Palace Street party and even our MP joined in.

- **Day Of Action**

Police and partner agencies recently held a day of action in Newmarket focusing on all round road safety.

105 Traffic Offence notices were issued for offences ranging from not wearing a seat belt(32) Illegal Number Plates (18) using a mobile phone whilst driving (12) Insecure Load (11) Tinted Windows (10) Vehicle Overweight(4) Licence offences(3) and No Insurance(2)

- **Street Meet at Studlands**

After concerns were raised by residents, I organised a Street Meet which took place on Garage Block 13. The turnout was particularly good with 25 residents in attendance. As well as myself

there was also representation from Town and district Councillors and also the locality officer from the council.

- **Licensed Premises**

As reported in local media, Door staff at a Town centre venue having refused entry to persons were sprayed with a pepper-based product. Two suspects were arrested a short while later and are currently being held on remand.

- **Pulse Patrols**

With the lighter nights I have been conducting a series of Pulse Patrols early evening at locations such as Memorial Gardens, Severals, and the Guineas multi storey car park as well as these patrols I have also liaised with Outreach Youth workers who have also visited Newmarket to engage with young persons.

- **Community engagement**

This month I have actively been supporting The health walk group, Newmarket DAA, Laureate Academy, Holdsworth Valley Academy, St Marys Church, Open Door and The Diversity Hub.

POLICE ADVICE AND GUIDANCE

I am Happy to give advice and guidance where I can. If it is something that I cannot give an immediate answer too, then I am ideally placed to seek advice from other professionals. Member of the public wanting advice on police-related matters can be signposted to the Suffolk Constabulary.

<https://www.suffolk.police.uk/contact-us>

Bill Butcher

PCSO 3036 WILLIAM BUTCHER NTC

Forest Heath Safer Neighbourhood Team

Newmarket Police Station

101 (non-emergency)/ 999 (Emergency only).

Suffolk Police has recently launched "1st Principle".

The first phase of a new library of crime prevention, security and personal safety advice.



www.suffolk.police.uk/1stprinciple

[CRIME PREVENTION ADVICE](#)

[REPORT CRIME ONLINE](#)



Jubilee street party



Lighting of the Beacon



The Delicious Jubilee Tart





The Planning Inspectorate

3A Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5226
Customer Services:
0303 444 5000

Email: caroline.baylis@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Town Council Manager
Newmarket Town Council
Memorial Hall, High Street
Newmarket
Suffolk
CB8 8JP

Your Ref:
Our Ref: ROW/3221975

23 May 2022

Dear Madam,

Wildlife and Countryside Act 1981 - Section 53
Order Making Authority: Suffolk County Council
Title of Order: Definitive Map & Statement for the Parish of Newmarket in the District of Forest Heath, Suffolk County Council (Parish of Newmarket) Modification Order 2018

I enclose for your information a copy of the Inspector's second interim decision on this Order following the second inquiry which opened on 1 February 2022.

This is an interim decision because the Inspector has proposed a modification to the order, which will need to be advertised before a final decision can be made. You are entitled to comment on the Inspector's proposals and I will write to you again shortly about how you can do this. In the meantime, you will find information about the modification process at section 7 of our booklet *Definitive Maps and Public Path Orders*. Please let me know if you require a copy of this booklet.

If you have concerns or queries about the decision or the way we have handled the order, or you simply wish to provide feedback, please visit our Feedback and Complaints webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>. Please quote our reference number in any correspondence.

If you do not have internet access you may write to the Customer Quality Team, Room 3H Hawk Wing, at the address above. Alternatively, if you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service team on 0303 444 5000.

An electronic version of the decision will shortly appear on the Inspectorate's website <https://www.gov.uk/guidance/rights-of-way-information-decisions-and-maps>.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Caroline Baylis

Caroline Baylis

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Modifications

1. The Secretary of State or Inspector may decide that an order should be confirmed with modifications. The modifications may be quite small, like correcting a spelling error or adding a grid reference or they may be major. The Inspector will explain the exact modifications in the order decision.
2. Some modifications must be advertised so that people are given the opportunity to object or submit representation to them. The following types of modification need to be advertised:
 - moving the line of a path;
 - increasing the width of a path;
 - adding a width to a path (definitive map modification orders and some public path orders);
 - showing a new path on the order;
 - deleting all or part of a path shown in the order (definitive map modification orders only); or
 - changing the type of path shown in the order (definitive map modification orders only).

Decisions, which propose modifications needing advertisement, are known as 'interim' or 'proposed' decisions.

3. Where a modification needs to be advertised, we will arrange for a notice to be published in a newspaper circulating in the local area, outlining how and when objections or representations can be made. A copy of the notice will be copied to the authority, the objectors (including anyone who has made a statutory representation), the applicant and any other people who have asked for a copy of the decision.
4. For your objection/representation to be 'duly made' it has to be made within the time and manner specified in the notice and be with respect to the proposal. Your objection/representation would not be 'duly made' if made before or after the notice period and you would not have the right to be heard.

No objections/representations to proposed modifications

5. If no objections/representations are received to the proposed modifications, the Secretary of State or Inspector will make a final decision, in which he or she will confirm the order with the modifications they previously proposed. The final order decision will be sent to all the people who received a copy of the interim decision.

Objections/Representations to proposed modifications

6. Objections/representations to the modifications will be considered by the Secretary of State or an Inspector (usually the same Inspector who

proposed them). Dependant on the number and content of objections/representations received, there may need to be an inquiry to consider the evidence they contain.

7. If there are only a few objections/representations and/or the issues they raise could be dealt with by written representations, we will write to the authority and relevant parties to ask if they would be happy for a final decision to be made on this basis instead of an inquiry. We will hold an inquiry if anyone asks to be heard by an Inspector.
8. If an inquiry is held into the proposed modifications, the Inspector will not be able to consider any representations into the unmodified part of the order. If anybody asks to give evidence relating to the unmodified part, the Inspector will ask them to submit it in writing to the Planning Inspectorate (within a specified period) and continue to hear the evidence relevant to the modifications. If the submitted representation raises questions likely to effect the Secretary of State or Inspector's decision, it may be necessary to re-open the original inquiry (if one was held). However, if all the parties agree, the new evidence could be dealt with on the basis of written representations (this is the most likely action if the interim decision was made following an exchange of written representations).
9. Having considered the objections/representations, the Secretary of State or Inspector may decide that they do not raise any questions likely to affect their decision. If this is the case no further action on the objections/representations will be taken and the Secretary of State or Inspector will proceed to write a final decision.

What happens if objections/representations are received to the unmodified part of the order?

10. If the only objections/representations received within the objection/representation period relate to those parts of the order the Secretary of State or Inspector does not propose to modify, it may be necessary to re-open the original inquiry or offer the written representations procedure if more appropriate.
11. If the original inquiry is re-opened, the Inspector would not be able to hear evidence relating to his or her proposed modification(s). If anybody asks to give evidence on the modified part, they will be asked to submit it in writing to the Planning Inspectorate within a given period. Again, if the submitted representation raises questions likely to effect the Secretary of State or Inspector's decision, it may be necessary to hold an inquiry so that it can be discussed. However, if all the parties agree, the evidence could be dealt with on the basis of written representations.

Objections/Representations received to the proposed modifications and the unmodified part of the order

12. Where both types of objection/representation are received within the objection/representation period, it may be necessary to hold a 'joint' inquiry. A joint inquiry effectively re-opens the original inquiry whilst allowing the Inspector to hear evidence against the proposed modification(s).

Hearings

13. A hearing may be held instead of an inquiry with the agreement of the authority and the relevant parties.



Second Interim Order Decision

First inquiry opened on 14 October 2020

Unaccompanied site visits undertaken on 13 and 15 October 2020

Second inquiry opened on 1 February 2022

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 23 May 2022

Order Ref: ROW/3221975M1

- This Order was made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and is known as the Suffolk County Council (Parish of Newmarket) Modification Order 2018.
- The Order was made by Suffolk County Council ("the Council") on 25 October 2018 and proposed to add a footpath to the definitive map and statement, as detailed in the Order Map and Schedule.
- The Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
- In accordance with Paragraph 8(2) of Schedule 15 to the 1981 Act I have given notice of my proposal to confirm the Order with modifications.

Summary of Decision: The Order is proposed for confirmation subject to the revised modifications set out below in the Formal Decision.

Procedural Matters

1. I proposed in my Interim Decision ("ID") of 9 February 2021 to modify the status of the route claimed ("the claimed route") to a restricted byway and increase the width of the route to 30 feet (9 metres). This Decision should be read in conjunction with my ID with the numbers in square brackets representing particular paragraphs in the ID. For the avoidance of doubt the word 'highway' should be taken to have its ordinary meaning. A public road would constitute one class of highway.
2. Network Rail Infrastructure Limited ("NR") objected to the proposed modifications and also the unmodified part of the Order. The second inquiry was therefore held in accordance with paragraphs 7 and 8 of Schedule 15 to the 1981 Act. Newmarket Town Council ("NTC") and the applicant (Mr Smy) continue to support the confirmation of the Order along with the modifications proposed in the ID.

Main Issues

3. I outlined the relevant matters in relation to the Order, as made, in the ID [4-8]. The main issues now are whether the new evidence and/or argument presented, when taken in conjunction with the previously considered evidence, has a bearing on my conclusion that the claimed route was dedicated as a highway prior to the opening of the railway it crosses over. If I am persuaded to alter my conclusion on this issue, consideration will need to be given to whether the dedication of a highway occurred after the opening of the railway.
-

4. The three main strands of the objection are that Mr Smy's application was defective rendering the Order invalid, the evidence is supportive of the claimed route being a private road prior to the opening of the railway or alternatively any public rights that did exist were diverted onto a substitute road on the northern side of the railway.
5. If I conclude that the Order should be confirmed, consideration will then need to be given to the extent to which it is modified.

Reasons

Whether the Order is invalid

6. NR asserts that Mr Smy's application of 16 April 2018 to modify the definitive map and statement was invalid for a number of reasons and the Order should not have been made and cannot now be confirmed. In summary, attention is drawn to alleged errors involving the termination points specified for the route, the absence of a claimed width and issues in relation to the application map and its relationship with the Order Map.
7. In support, reliance is placed on three court judgments which considered whether particular applications engaged an exemption in Section 67(3) of the Natural Environment and Rural Communities Act 2006 ("the 2006 Act"). Section 67(6) of the 2006 Act states "*For the purposes of subsection (3), an application under section 53(5) of the 1981 Act is made when it is made in accordance with paragraph 1 of Schedule 14 to that Act*".
8. Whilst I gave a provisional view on this matter when opening the second inquiry, I have re-visited the submissions made by the parties before reaching a final conclusion on the invalidity point. NTC has drawn attention to the conclusion reached by another Inspector (see Planning Inspectorate ref. ROW/3206702). However, it is apparent that the matter before the Inspector related to the surveying authority's decision-making process rather than the validity of any application to modify the definitive map and statement.
9. Schedule 14 to the 1981 Act provides the mechanism for someone to apply for a modification to be made to the definitive map and statement. It provides the applicant with the right to appeal to the Secretary of State should the surveying authority (in this case the Council) determine not to make an Order. An aggrieved party can challenge by way of judicial review a decision at the Schedule 14 stage prior to the Order being made.
10. Irrespective of whether or not an application is made, the Council has a duty under Section 53(2)(b) of the 1981 Act to keep the definitive map under continuous review and make such modifications that appear to them to be necessary. One such event would be the discovery of evidence that a right of way "*subsists or is reasonably alleged to subsist*" in accordance with Section 53(3)(c)(i) of the Act. Whilst an application may serve as the trigger for the making of an Order, a surveying authority does not need to receive an application for it to propose to modify the definitive map and statement. Further, a surveying authority may determine as part of its investigation that the evidence is supportive of the test being applicable to a route that varies to some extent from the one originally claimed to exist. The alignment of the way included in the Order was based on the Council's conclusion from its assessment of the evidence.

11. A distinction arises where reliance is placed on an exemption found in Section 67(3) of the 2006 Act in order to record a byway open to all traffic. By reference to Section 67(6) of the Act, the decision maker will need to consider whether the application was made in accordance with Schedule 14 to the 1981 Act for the relevant exemption to be applicable. The cases cited by NR relate to applications considered in relation to the 2006 Act and I do not view them to be directly applicable to the present Order.
12. The Council made and advertised the Order in accordance with Schedule 15 to the 1981 Act. It now falls to me to determine at the Schedule 15 stage whether the Order should be confirmed on the ground that a right of way subsists. This does not involve examining the validity of the process leading up to the Council's decision to make the Order. Interested parties were notified of the making of the Order and given the opportunity to make an objection or representation to the proposed modification to the map and statement and to make their case as part of the inquiry process. The point at issue for interested parties is the modification proposed by the Order, which may be different to what was originally requested.
13. Having regard to the above, I find no merit in the assertion that the Order should not be confirmed in light of the issues identified in relation to the application.

Whether a highway was dedicated prior to the opening of the railway

14. The early pieces of documentary evidence provide some support for the claimed route being part of the local road network, but I considered the weight of this evidence by itself was not sufficient to find that the route was a highway [69]. Whilst the Wood Ditton Inclosure Award only made provision for a private road, this would not impact upon any pre-existing public rights that existed over the claimed route [19].
15. The new evidence and submissions cover matters relating to the various railway schemes in this locality, namely the Newmarket and Chesterford Railway [22-30] and other proposals between 1847 and 1852 [31-33]. I accept that railway documents do not provide a definitive guide to the rights that exist over the various ways. As outlined above, there is some earlier evidence which shows the claimed route as part of a through route within the local road network. Therefore, it is not the case that there is no other evidence in support of the route being a pre-existing highway. It also needs to be borne in mind that my conclusion that a public road had been dedicated prior to the construction of the Newmarket and Chesterford Railway had regard to evidence which post-dated the opening of the railway.
16. In terms of the reliance that can be placed on information contained in the railway documents, there will potentially be instances when errors are found in such documents. Additionally, in certain circumstances, there may well be no need to correct an error by the use of Section 7 of the 1845 Railway Clauses Consolidation Act ("RCCA"). NR highlights two references to plot 23 in the book of reference for the Newmarket and Chesterford Railway as being indicative of how errors can arise in these documents. However, it is apparent from looking at the deposited plan and book of reference that there was one plot 23 which was bisected by an occupation road and there is no error on this point. Overall, I place little reliance on the lack of evidence of a modification being made to the railway documents regarding the status of the route.

17. NR have provided additional evidence in relation to a report of an Inspector to the Railway Commissioners in advance of the opening of the railway for passenger trains being approved. In terms of the claimed route, the report states *"There are 27 level crossings on this line of which 11 are for public and 16 for occupation roads. One of the latter at 16 miles and 40 chains from Chesterford is called a Public road on the Parliamentary sections, but the Engineer to the line informed me that this was a mistake and that he had ascertained that it was simply a private occupation road leading to an adjoining farm"*.
18. The Inspector further outlined that the public crossings were provided with gates that close across both the road and railway with a gatekeeper and the occupation roads had gates which close across the road. Reference is also made in the report to another location where two crossings had been combined but the engineer could not confirm whether this had been done by legal process. The Inspector additionally states that any change which diminishes the number of level crossings will in his opinion add to the safety of the line. It was confirmed that the railway comprised of a double line.
19. The report contains information that is supportive of an error with the crossing being described in the book of reference for the Newmarket and Chesterford Railway as a highway. The issue to be determined is the weight to be attached to this piece of evidence and how it impacts upon the value of the railway documents. It cannot be determined from whom the engineer obtained information regarding the status of the route, and it is potentially hearsay evidence which the Inspector accepted.
20. The purpose of the inspection was to ensure that the railway was safe to open for passenger trains. On the basis of what was on the ground and the statement of the engineer there may well have been no need to undertake any further investigation. There is certainly nothing to show that any other enquiries were made, or consultations undertaken with interested parties such as the surveyors of highways. I note that the report is dated one day before the railway opened for passenger trains.
21. In terms of the sidings that evolved near to the crossing it cannot be determined when the number of lines increased from the map evidence. If there had been more than two lines to cross when the railway opened, I would expect this to have been mentioned in the Inspector's report. Given the information in the report it is unlikely that it would have considered necessary to comply with the requirements of Section 47 of the RCCA at the crossing. However, this would not remove any existing public rights over the crossing. Nor would it significantly diminish the value of the other evidence in support of the claimed route being a highway. As noted in the ID [67], there is later evidence of a gate keeper being employed at this location.
22. A key factor is the difference between the Inspector's report and the scrutiny given to the production of the railway documents. Whilst NR questions the degree to which Parliament scrutinised issues such as the highways shown on the deposited plans, there would have been extensive consultations undertaken at a local level, including with landowners and the surveyors of highways [29]. A notice also appeared in a local newspaper and the London Gazette in relation to the proposed railway which gave details of where the relevant documents could be inspected [22]. It would have been in the interests of the promoters of railway bills to accurately identify the public roads in a parish given the costs

- involved in making provision for them to cross the railway either by a bridge or on the level. Further, consent had to be obtained where a level crossing was proposed. For the railway company to have listed a road as having public status there should have been some basis for them originally doing so.
23. The new information should be factored into the balancing exercise. Whilst it provides support for the claimed route being a private road, given the factors outlined above, it does not fundamentally change my view on the weight to be attached to the other railway documents.
24. Turning to the later railway documents of 1847 [31-32]. Although these proposed railways were not ultimately built, they were still subjected to local and Parliamentary scrutiny. The different numbering used for certain plots is suggestive of reliance not being placed on the documents produced for the Newmarket and Chesterford railway. In terms of the status of the claimed route, this is consistently listed in the books of reference for the later proposals as a public road [31]. A difference does arise in the description of the continuation of the claimed route to the south in the later railway documents as a public road. This may indicate that the later documents are in error, but it could equally be reflective of an error with the listing of plot 30 in the Newmarket and Chesterford Railway book of reference. The annotation of the route leading to Kirtling is not indicative of it being viewed as an occupation road to a farm or a cul de sac. The route continuing to the south of the claimed route is presently a public road (Cricket Field Road).
25. The Newmarket Railway Company signalled its intention in 1851 to apply to Parliament to make amendments to the earlier Railway Acts [33]. Nothing has been provided to change my view that the relevant notice and deposited plan provide some support for the claimed route being a highway. It refers back to the plot numbered 29, which is shown extending over both sides of the proposed railway on the deposited plan for the Newmarket and Chesterford Railway. However, as outlined in the ID, there is an issue that serves to limit the weight of the 1851 documents.
26. I found in the ID that various newspaper articles provided support for the route having public status [51-57]. They provide evidence of widespread use of the crossing. Whilst it is possible that a proportion of the historical public use was on a permissive basis, no evidence has been provided to demonstrate that this was the case. There is evidence of continued use of the claimed route during the twentieth century [64-65]. Some of the newspaper reports are indicative of an acceptance by the railway company that the public were using the route and consideration was given to the adoption of additional safety measures. It is less likely that such measures would have been considered necessary if the route only provided a private means of access. One of the reports records that a man was stationed at the crossing virtually all of the time to protect the public [56]. There are additional pieces of evidence in relation to the manning of the crossing [66-67].
27. I noted in the ID the evidence in support of the claimed route being an occupation road [34-36 and 48-50]. These documents need to be weighed into the overall balancing exercise. The weight attached to the 1878-79 railway documents will be limited to some extent given that the proposal in relation to the claimed route was not included in the Act.

Whether the public rights were diverted onto a substitute road

28. Further submissions have been made in relation to the substitute road argument put forward by NR at the first inquiry [37-47]. In essence there are two issues that need to be resolved, namely the capability of the railway company to divert the route and whether this actually occurred. On the first matter, NR clarified its position on the relevant statutory powers and paragraphs 44 and 45 of the ID need to be reviewed in respect of this matter (see below). In terms of the second issue, in the absence of specific documentation on this matter, regard should be given to the available evidence to determine what is likely to have happened. I consider that little reliance should be placed on the extent of the railway company's ownership during the period it is alleged that provision could have been made for a substitute road. It is unlikely that this would have prevented the diversion of the route.
29. The general power to divert roads is found in Section 16 of the RCCA [38] and this needs to be read in conjunction with Sections 53 and 56 of the Act. NR's clear position at the second inquiry is that a period of seven years from the granting of royal assent for the Newmarket and Chesterford Railway Act of 1846 ("N&CRA") was permitted for the completion of the works in line with Section 25 of the Act (in this case by July 1853). It is asserted that it is therefore not necessary to show that the substitute road was constructed when the railway was opened to all traffic.
30. Section 53 of the RCCA allowed for the provision of a temporary substitute road where works would have interfered with the road. If the road could not be restored, Section 56 of the Act permitted the road to be permanently diverted. A permanent diversion needed to be undertaken within 12 months unless it was extended by the written consent of the trustees or the parties with responsibility for managing the road.
31. I expressed doubts in the ID regarding whether the construction of a substitute road would fall within the powers of Section 16 of the RCCA and Section 25 of the N&CRA in this case. I have revisited this matter in light of the information presented at the second inquiry.
32. The opening part of Section 16 states: "*Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, herein-after mentioned, to execute any of the following works...*" This makes it clear that the various works could be carried out for the purpose of constructing the railway or the associated accommodation works.
33. Section 25 of the N&CRA states: "*the Railway and Branch Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited Acts... shall cease to be exercised...*". This gave the railway company a period of seven years to complete the railway.
34. I interpret Section 16 to permit various works to be undertaken for the purpose of constructing the railway. This view is supported by the case of *R v Wycombe Railway Company 1867*. The implication to be drawn from Section 16 is that once the railway had been constructed the powers cease to be

operative. The opening of the railway to passenger traffic on 4 April 1848 indicates that the construction works for the railway were complete, or substantially complete, by that date and this is supported by the Railway Inspector's report. Section 25 of the N&CRA gave the railway company seven years to complete the railway but it did not expressly permit the undertaking of works following the completion of the railway. Clearly Sections 53 and 56 permit the temporary or permanent diversion of roads in light of works undertaken in relation to the railway.

35. The further exploration of this matter leads me to move away from the doubt I expressed in the ID to a firmer view. I now consider that it is likely the Section 16 powers ceased to be applicable following the completion of the works to construct the railway. Although NR draws attention to works in connection with the sidings, it is acknowledged that sidings could be constructed on land owned by the railway company without the need for an authorising Act. It is also uncertain when the expansion in the number of lines near to the crossing commenced.
36. In terms of what actually happened, I noted in the ID the evidence following the opening of the railway and the continued existence of the claimed route [39]. This is distinct from the position with the road numbered 26 in the deposited documents for the Newmarket and Chesterford Railway. There is later evidence which is supportive of the claimed route being a highway and uncertainty regarding when the road on the northern side of the railway was constructed. Additionally, the Railway Inspector recorded that the engineer had ascertained that the route was an occupation road. It is therefore unlikely that action would have been taken at the time by the railway company to construct a replacement public road. Nor is there anything in the Inspector's report to suggest that the crossing was not available.
37. In light of the above, I now find there to be little merit in the substitute road argument pursued by NR.

Conclusions

38. I have re-visited the conclusions I reached on the various pieces of evidence [69-73] in light of the new evidence and submissions of the parties. Some weight should be attached to the Inspector's report shortly before the railway opened to passenger trains. It is supportive of the claimed route being a private road. However, bearing in mind the other factors considered in my assessment of this evidence, I do not find that it outweighs the documents in relation to the Newmarket and Chesterford Railway. The railway documents as a whole provide significant support for the route having public status and they consistently define the route as a public road.
39. The weight of the early evidence may not be sufficient by itself for the route to be viewed as a highway [69]. It nevertheless provides some support for the route being a highway and is consistent with the subsequent railway documents. However, clearly the inclosure award only made provision for the route to be a private road. There are a few additional documents, principally the 1849 conveyance and 1878-79 railway documents, which are indicative of private status but these need to be weighed against the other pieces of evidence that point in a different direction.
40. The evidence of public use after the railway was constructed is consistent with the statements made in the railway documents in support of the route being a

highway. Given the earlier evidence, it is reflective of the route being an existing highway. I therefore do not need to consider it separately in terms of whether it supports the dedication of a highway after the construction of the railway. In such cases, it is often not possible to say when the dedication occurred. The documents in connection with the Newmarket and Chesterford Railway are supportive of the dedication taking place at some point prior to the construction of the railway and that the route was viewed at the time as a public road. Therefore, it would have been dedicated either before or after the inclosure award.

41. I now find there to be little merit in the substitute argument pursued by NR in light of my interpretation of the legislation and consideration of the evidence.
42. Overall, I conclude that the evidence as a whole is more supportive of the claimed route being a historical highway which was dedicated at some point in time prior to the construction of the railway. Additionally, it remains my view that on balance this historical highway encompassed public vehicular rights and the route should now be recorded as a restricted byway.

Modifications

43. In light of my conclusion above, no change should be made to my proposed modification to the status of the claimed route.
44. It was generally accepted by the parties at the second inquiry that the alignment of the claimed route shown on the historical maps followed a straight course. In contrast, the Order Map shows a kink in the route towards point B, which appears to reflect the current layout of the crossing. There is nothing to suggest that there has been a legal change to the alignment of the claimed route. Accordingly, the appropriate course of action would be to modify the Order so that it correctly records the historical alignment of the route. These additional modifications will need to be advertised in accordance with paragraph 8 of Schedule 15. This will provide the parties with the opportunity to comment on the extent of the relevant modifications to ensure that the route is accurately described in the Order.
45. I concluded that the width of the claimed route should be specified as 30 feet (9 metres) wide [74]. Whilst the inclosure award only set out a private road, it had the effect of making provision for the route to have a width of 30 feet. I have considered this matter afresh in light of the objection pursued by NR.
46. The first issue is that it is uncertain when the route was dedicated. It is possible that the highway pre-dated the inclosure award and had a greater or lesser width than 30 feet. Secondly, the statutory process involving the construction of the railway and the provision of a level crossing is likely to have had an impact on the width of the route. It is shown subsequently narrowing on some of the plans where it crosses the railway.
47. I now take the view on balance that it is not appropriate to place any significant reliance on the width specified in the inclosure award. In the absence of any other evidence regarding the historical width of the route, I need to determine what would be a reasonable width for a restricted byway in this location. The view of NR, who clearly have expertise in such matters, is that a total width of 14 feet (4.2 metres) would be appropriate for safety reasons and to ensure the operational efficiency of the railway. In practical terms this would involve the provision of two gates with a width of 10 feet and

4 feet respectively to separate the different types of users. I agree that this would be an appropriate width for the claimed route in the circumstances.

48. I outlined the issue regarding gates in the ID [75]. NR confirms that it has statutory powers to erect suitable gates, and this should address any concerns about unrestricted access at the crossing. It is therefore appropriate for the references to the present gates to be removed from the Order Schedule. The siting of the replacement gates would be a matter for NR to determine.

Overall Conclusion

49. Having regard to these and all other matters raised at the inquiries and in the written representations I conclude that the Order should be confirmed subject to revised modifications.

Formal Decision

50. I propose to confirm the Order subject to the following modifications:

- Delete all references to "*footpath*" and insert "*restricted byway*".
- Delete "*a gate at*" from the second and third lines in Part II of the Order Schedule.
- Delete "*11 metres to a gate and a*" from the third line in Part II of the Order Schedule and insert "*approximately 18 metres to the*".
- Delete the final three lines of Part II of the Order Schedule and insert "*Width: 4.2 metres (14 feet)*".
- Include the notation for a restricted byway on the Order Map rather than the notation for a footpath and amend the map key accordingly.
- Show the restricted byway by means of a revised alignment towards its north-western end on the Order Map.

51. Since the confirmed Order would affect land not affected by the Order as submitted I am required by virtue of Paragraph 8(2) of Schedule 15 to the 1981 Act to give notice of the proposal to modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications. A letter will be sent to interested persons about the advertisement procedure.

Mark Yates

Inspector

APPEARANCES

For NTC:

Ms M. Golden Counsel appearing for NTC

She called:

Mrs R. Emrys-Roberts

Additional Supporter:

Mr M. Smy Applicant

For NR:

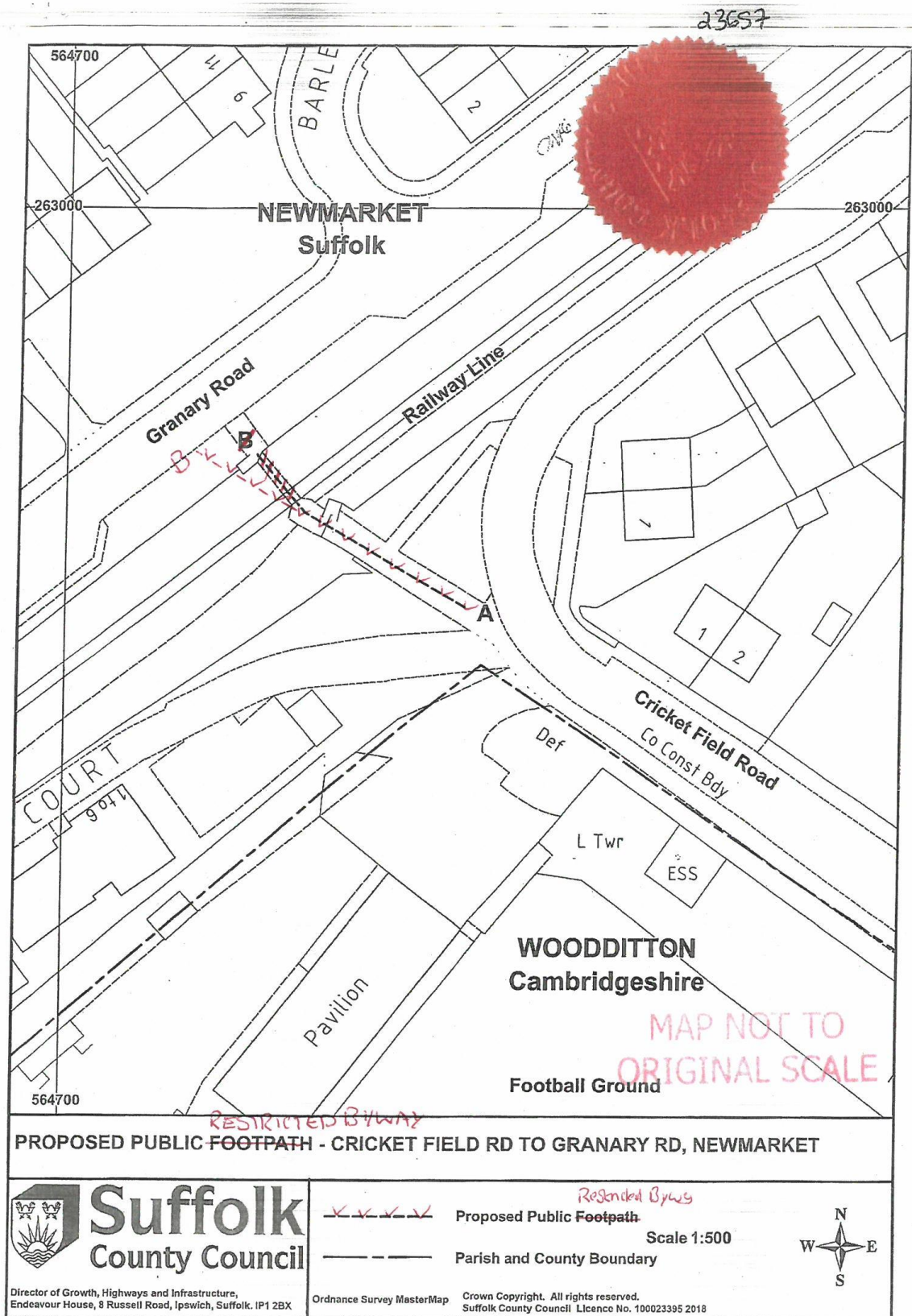
Mr J. Lopez Counsel appearing for NR

He called:

Mr S. Day Liability Negotiations Manager

DOCUMENTS TENDERED AT THE SECOND INQUIRY

1. Alignment plans supplied by the Council
2. Details from NR regarding the number of railway lines shown on maps
3. Closing submissions of Mr Smy
4. Closing submissions for NTC
5. Closing submissions for NR





Report to	Full Town Council
Subject	Neighbourhood Plan Working Group
Purpose	Information/Decision
Classification	Unrestricted
Meeting date	25th July 2022
Item number	11
Written By	Cathy Whitaker CLERK

Summary: This report outlines the need for a working group for the (NNP) Newmarket Neighbourhood Plan, following the finish of the NP Committee.

1.	Introduction
a.	The Neighbourhood Plan Committee's last meeting was 9/5/22, tying in with the beginning of the committee schedule reorganisation trial period.
2.	Context
a.	The NNP was adopted in February 2020.
b.	The National Planning Policy Framework (NPPF) indicates that the Core Strategy requires a review to be undertaken at least every five years in order to determine whether its policies and strategy are in need of updating.
3.	Proposal/Options
a.	To set up a NNP Working Group which will meet regularly to consider NP matters and changes for the future revision.
b.	The Working Group will report back to full council.
4.	Financial/Resource Implications
a.	No financial implications at this time.
b.	Nearer the time of the revision, there will be costs (administration, professional fees, etc) involved. This will be assessed nearer the time and budget provision created.
5.	Next Steps/Recommendations
a.	To agree to set up a NP working group, with membership and terms of reference.
b.	Suggested TORs – "To review the NNP in preparation for the 2025 revision; meeting regularly and reported back to full council with recommendations."

Blank

NTC – WS Draft Local Plan consultation response.

As part of the local plan process Newmarket has been allocated an additional 400 homes – but this does not take into consideration the special nature of Newmarket as the international home of horseracing. Development that merely serves Cambridge as dormitory accommodation should be avoided.

Brandon would like to take 250 new dwellings but because of the Special Protection Area for Stone Curlew it would need to provide avoidance measures for the potential residential development. Such a mechanism is a 'Suitable Alternative Natural Greenspace' (SANG). The purpose of the SANG is to act as more attractive greenspace than the SPA to users of the kind that might visit the SPA were the dwellings to be built.

Clearly this is outside of the control of Newmarket town council, however if development in Brandon were to go ahead, then Newmarket's 400 allocation could reduce to 150 dwellings.

So lets look at where we could put an additional 150 to 400 dwellings.

Newmarket town council has already supported development at Queensbury Lodge. QL already have 50 dwellings in the current plan, but the application is for 123 dwellings – that's a net addition of 73 dwellings that we have already indicated we support.

The Jockey Club (TJC) recently consulted on "Playing Our Part in Newmarket's Future" – the Memorial Hall was used to show some options.

TJC would like to move their 117 dwellings that are in the current plan at Churchill Avenue – the 'Z' shaped piece of land to Pinewood Stud – which is on the junction with Hamilton Road and Exning Road. This has the capacity for 450 market homes in total.

The 'Z' scheme was a Bournville type arrangement that would have provided housing for the racing industry rather than be market homes. It was not popular with residents. It did not fit national guidelines.

Removing the 117 from the 450 capacity at Pinewood leaves an availability or buffer of 333 dwellings – but with the overage at Queensbury Lodge that increases to an availability of 406 dwellings in Newmarket – without the need to allocate Hatchfield's 400 dwellings.

The Pinewood site would also release several favourable outcomes:

- A new all-weather racetrack, training facilities and quarantine area
- New starter stables and shared equine facilities
- A country park at Seven Springs
- A cinema in the centre of town at the subscription rooms